

Indonesia: 'They have ears but hear not' — academics slam enactment of new Criminal Code

Tuesday 13 December 2022, by [CNN Indonesia](#) (Date first published: 6 December 2022).

A number of academics have strongly criticised the decision by the House of Representatives (DPR) and the government of President Joko "Jokowi" Widodo to enact the Draft Criminal Code (RKUHP) into law today, Tuesday December 6.

Mulawarman University Legal Faculty lecturer Herdiansyah Hamzah believes that the enactment of the law further confirms that the DPR and the government are ignoring the public's views. "Borrowing from [the author] Jules Verne, 'Aures habent et non audient'. It's like the regime today has ears but cannot hear, has eyes but cannot see", Hamzah told CNN Indonesia via an SMS message on Tuesday. He said that the DPR and the government refused to budge on the issue or didn't care about the collective anxiety over the controversial criminal stipulations in the law. "They were truly blind and deaf to criticism and public input. This is a sign that those in power today are truly heading towards authoritarianism", said Hamzah. "The regime will exercise total control over citizen's freedoms. The KUHP, which contains these rubber (catch all) articles will be used as a tool to silence those who are critical of those in power", he added. Airlangga University Legal Faculty lecturer Herlambang P. Wiratraman is also very critical about the ratification of the RKUHP, although he says he is not surprised. This is because, according to Wiratraman, the affair is a repeat of legislation that was forced through in 2019 such as the revisions to the Corruption Eradication Commission (KPK) Law, the Omnibus Law on Job Creation and the Minerals and Coal Law (Minerba). "It isn't surprising, because what we have witnessed with the enactment of the RKUHP just confirms what many were already worried about, the strengthening of autocratic legalism, the formation of laws which commonly occurs during the phase in which a regime is tending to become more authoritarian", said Wiratraman. He also highlighted the solution of submitting a judicial review with the Constitutional Court (MK) as proposed by Justice and Human Rights Minister (Menkumham) Yasonna H. Laoly and Deputy Justice and Human Rights Minister (Wamenkumham) Edward Omar Sharif Hiariej. "It's quite difficult to trust or hope in the authority of the judiciary that has gotten too deep into the trap of the political cartel. If you have to go to the MK, it would be more appropriate to try it as a medium to enlighten the public, not expecting too much that the ruling might have progressive qualities", said Wiratraman. Today's enactment of the RKUHP was done in the midst of a wave of protests by civil society groups around the country. Many believe that the RKUHP which has now become law is still a mess and contains many problematic articles such as the stipulations on insulting the president, the makar (treason, rebellion, subversion) articles, insulting state institutions, the articles on adultery and cohabitation and fake news. The enactment of the RKUHP at a plenary session today took place only one week after a decision was made between the government and lawmakers at a DPR Commission I meeting on November 24, and only a day after the official draft of the law was made public in the lead up to last weekend.

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